

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE:	:	
	:	Chapter 13
William H Fitzgerald	:	
William Fitzgerald	:	Case No. 17-04313-JJT
aka William Hart Fitzgerald	:	
Debtor	:	
	:	
THE BANK OF NEW YORK MELLON FKA:	:	
THE BANK OF NEW YORK, AS TRUSTEE	:	
FOR THE CERTIFICATEHOLDERS OF THE	:	
CWABS, INC., ASSET-BACKED	:	
CERTIFICATES, SERIES 2007-8	:	
Movant	:	
v.	:	
	:	
William H Fitzgerald	:	
aka William Fitzgerald	:	
aka William Hart Fitzgerald	:	
	:	
Linda Fitzgerald Non filing co-mortgagor,	:	
	:	
Charles J. Dehart, III, Trustee,	:	
Respondent	:	

**ANSWER OF FIRST NATIONAL BANK OF PENNSYLVANIA TO MOTION OF THE
BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE
FOR THE CERTIFICATEHOLDERS OF THE CSABS, INC., ASSET-BACKED
CERTIFICATES, SERIES 2007-8 FOR RELIEF FROM AUTOMATIC STAY UNDER 11
U.S.C. §362(d) (and 11 U.S.C §1301) With Respect to Property: 309 WHEELER AVENUE,
SCRANTON, PA 18510-2514**

NOW COMES First National Bank of Pennsylvania, Creditor, by and through their attorney, Jill M. Spott, Esquire, and Answers the Motion of the Bank of New York for Automatic Stay, as follows:

1. Admitted.

2. Admitted.

3. Admitted.

4. Admitted.

5. Admitted.

6. Admitted.

7. Admitted.

8. Admitted.

9. Denied. After reasonable investigation, Creditor is without sufficient knowledge or information to form a belief as to the truth of the averment in Movant's paragraph nine and strict proof thereof is demanded. By way of further answer, Movant is not the first position mortgage holder on this property. By way of further answer, First National Bank of Pennsylvania has a first lien against the property.

10. Denied. After reasonable investigation, Creditor is without sufficient knowledge or information to form a belief as to the truth of the averment in Movant's paragraph ten and strict proof thereof is demanded.

11. Denied. After reasonable investigation, Creditor is without sufficient knowledge or information to form a belief as to the truth of the averment in Movant's paragraph eleven and strict proof thereof is demanded.

12. Denied. After reasonable investigation, Creditor is without sufficient knowledge or information to form a belief as to the truth of the averment in Movant's paragraph twelve and strict proof thereof is demanded. By way of further answer, Movant is not the first position mortgage holder on this property.

13. Denied. While Movant's valuation and payoff may be correct, Movant does not have a first lien against the property. By way of further answer, First National Bank of Pennsylvania has a first lien against the property.

14. Denied. After reasonable investigation, Creditor is without sufficient knowledge or information to form a belief as to the truth of the averment in Movant's paragraph fourteen and strict proof thereof is demanded.

15. Denied. After reasonable investigation, Creditor is without sufficient knowledge or information to form a belief as to the truth of the averment in Movant's paragraph fifteen and strict proof thereof is demanded.

16. Denied. After reasonable investigation, Creditor is without sufficient knowledge or information to form a belief as to the truth of the averment in Movant's paragraph sixteen and strict proof thereof is demanded.

WHEREFORE, First National Bank of Pennsylvania, respectfully requests this Honorable Court deny Movant's Motion for Relief from the automatic stay and deny the waiver of Bankruptcy Rule 4001(a)(3).

Dated: July 6, 2018

/s/ Jill M. Spott
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